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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/502,499   | 07/23/2004  | James Alan Strothman | PU020032            | 8120             |
| 7590   | 12/01/2009  |                      | EXAMINER            |                  |
| Joseph S Tripoli<br>Thomson Multimedia Licensing Inc<br>P O Box 5312<br>Princeton, NJ 08543-5312 |             |                      | USTARIS, JOSEPH G   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2424                |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/502,499             | STROTHMAN ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | JOSEPH G. USTARIS      | 2424                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 August 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed August 13, 2009 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1-18 that Goddard and Haraoka does not disclose that the rating samples are accessed from said rating sample database of said television signal receiver system. However, reading the claims in the broadest sense, Goddard in view of Haraoka does disclose that limitation in the claims. Goddard discloses that the exemplary ratings enable media may include various types of media (e.g. broadcast television) (See col. 3 lines 61-67). Haraoka et al. (Haraoka) discloses a television distribution system. Haraoka discloses that the rating sample (e.g. media such as broadcast television) is accessed from a rating sample database of said television signal receiver system (See Figs. 1, 2, and 4, database 3 and 22; wherein database 2 and 22 stores broadcast television).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard (US006684240B1) in view of Haraoka et al. (US006898801B1).

Regarding claim 1, Goddard discloses a method for personalizing rating limits in a parental control system of a television signal receiver system (See Fig. 3), comprising: accessing a rating sample (e.g. television media that is example content) (See Fig. 3, 302) having a first rating (e.g. G, PG, PG-13, R, etc.) from a first source (e.g. MPAA) (See col. 1 lines 41-46 and col. 5 lines 52-67);

enabling reproduction of the rating sample having a first rating (e.g. G, PG, PG-13, R, etc.) from a first source (e.g. MPAA) (See col. 1 lines 41-46 and col. 5 lines 52-67);

detecting a user input indicating the acceptability of the rating sample having a first rating from a first source (See Fig. 5; col. 10 lines 15-45; the user inputs whether the example content is acceptable or not);

generating a first transition point (e.g. adjusting the acceptable content rating parameters) based on the user input (See Fig. 5, user input) and the first rating (e.g. G, PG, PG-13, R, etc.) (See col. 7 lines 31-41); and

using the first transition point (e.g. the acceptable content rating parameters) to determine whether data associated with a rating from the first source is output or blocked (See Fig. 3; col. 7 lines 31-41).

However, Goddard does not explicitly disclose that said rating sample is accessed from a rating sample database of said television signal receiver system.

Goddard does disclose that the exemplary ratings enable media may include various types of media (e.g. broadcast television) (See col. 3 lines 61-67). Haraoka et al. (Haraoka) discloses a television distribution system. Haraoka discloses that the rating sample (e.g. media such as broadcast television) is accessed from a rating sample database of said television signal receiver system (See Figs. 1, 2, and 4, database 3 and 22; wherein database 2 and 22 stores broadcast television). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Goddard to access the rating samples from a rating sample database of said television signal receiver system, as taught by Haraoka, in order to expand the capabilities of the system thereby providing storage the enables effective use of communication bandwidth (See col. 1 lines 50-65).

Therefore, in the system disclosed by Goddard in view of Haraoka, the rating sample having a first rating from a first source is accessed from said ratings sample database of said television signal receiver system (See Figs. 1, 2, and 4, database 3 and 22).

Regarding claim 2, wherein the rating sample (e.g. the television media serving as example content) further has a second rating (e.g. TV-G, TV-PG, etc.) from a second source (e.g. TV parental guideline) (See Goddard col. 7 lines 53-66), and further comprised of:

generating a second transition point (e.g. equating the TV rating to a MPAA rating within the acceptable content rating parameters) based on the user input (See Goddard Fig. 5, user input) and the second rating (e.g. TV-G, TV-PG, etc.); and

using the second transition point to determine whether data associated with a rating from the second source is output or blocked (See Goddard Fig. 3; col. 7 lines 31-41).

Regarding claim 3, wherein the user input indicates an MPAA rating (See Goddard col. 5 lines 52-67 and col. 7 lines 31-42; the user inputs to block/unblock content based on an example content, wherein the user selects/inputs the example content which indicates an MPAA rating or a TV parental guideline rating).

Regarding claim 4, wherein the user input indicates a TV Parental Guidelines rating (See Goddard col. 5 lines 52-67 and col. 7 lines 31-42; the user inputs to block/unblock content based on an example content, wherein the user selects/inputs the example content which indicates an MPAA rating or a TV parental guideline rating).

Regarding claim 5, wherein the user input indicates the acceptability of the rating sample for one or more individuals (See Goddard Fig. 5; col. 10 lines 23-34).

Regarding claim 6, wherein the ratings sample comprises at least one of video data, audio data and text data (See Goddard col. 3 lines 61-67; wherein broadcast television and cable television inherently have video data).

Claim 7 contains the limitations of claim 1 (wherein Goddard discloses an apparatus (See Goddard Figs. 2 and 6)) and is analyzed as previously discussed with respect to those claims. Furthermore, Goddard discloses a rating sample database means (See Haraoka Figs. 1, 2, and 4, database 3 and 22; wherein database 2 and 22 stores broadcast video), an interface means (See Goddard col. 5 lines 5-14), and a control means (See Goddard Fig. 6, processing system 602).

Claim 8 contains the limitations of claims 2 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 9 contains the limitations of claims 3 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 10 contains the limitations of claims 4 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 11 contains the limitations of claims 5 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 12 contains the limitations of claims 6 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claim 1 (wherein Goddard discloses a television signal receiver (See Goddard Figs. 2 and 6)) and is analyzed as previously discussed with respect to those claims. Furthermore, Goddard discloses a rating sample database (See Haraoka Figs. 1, 2, and 4, database 3 and 22; wherein database 2 and 22 stores broadcast video), an interface (See Goddard col. 5 lines 5-14), and a processor (See Goddard Fig. 6, processing system 602).

Claim 14 contains the limitations of claims 2 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 3 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 4 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 5 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 18 contains the limitations of claims 6 and 13 and is analyzed as previously discussed with respect to those claims.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH G. USTARIS whose telephone number is (571)272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/  
Primary Examiner, Art Unit 2424